

Office Action Summary	Application No. 10/554,040	Applicant(s) LE DEVEHAT, RENAUD	
	Examiner Craig Price	Art Unit 3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4 and 7-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4 and 7-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>20100828</u> . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/6/2010</u> . | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claims 1, 3, 4 and 7-19 are pending.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/6/2010 has been entered.

Drawings

Applicant's amendment overcomes the drawing objection.

Claim Rejections - 35 USC § 112

Applicant's amendment overcomes the claim rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,7,10,12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Dupont et al. (6,886,611).

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Regarding claim 1, Dupont et al. disclose an assembly, as shown in Figure 5C, for loading and unloading products which comprises, a balanced loading and unloading arm (25) which is installed at a first location (11) and which includes a compass-style duct system (19,22) having a first end mounted on a base (20) and a second end provided with a connection system (22,51) suitable for connecting the compass-style duct system to a coupling means (23) installed at a second location (9), a cable (48) which prior to product loading and unloading operations is secured between the first and second locations, a means (51) at the first location for subjecting the cable to a constant tension, and means (17) co-operating with the cable for guiding the connection system along the cable until the connection system is brought into a position adjacent the coupling means, wherein the guiding means comprises a drive winch (47) which is connected to the connection system and which in operation frictionally engages the cable to drive the connection system along the cable between the first and second locations.

Regarding claim 7, Dupont et al. disclose that the cable crosses from a first side of the connection system closest to the first location to a second side of the connection system closest to the second location, as shown in Figure 6.

Regarding claim 10, Dupont et al. disclose an alignment guide (44) which is connected to the connection system and which comprises a portion (54) through which the cable passes which is spaced apart from the connection system, as shown in Figure 6.

Regarding claim 12, Dupont et al. disclose the means (23) for coupling the connection system to the second location.

Regarding claim 13, Dupont et al. disclose that the connection system comprises a female truncated conical element (54) and in that the coupling means comprises a male truncated conical element (53) which is adapted to fittingly engage the female truncated conical element.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3,4,15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dupont et al. (6,886,611) in view of Le Devehat (WO 01/04041). (using U.S. Patent 6,719,008 as a translation for PCT Publication WO 01/04041).

Dupont et al. has disclosed all of the features of the claimed invention although is silent to having the cable comprises means for co-operating with a locking system at the second location to thereby keep the cable attached to the second location and the means for co-operating with the locking system comprises a sleeve which is crimped onto the cable.

Le Devehat '041 discloses an offshore loading system which teaches the use of a locking system (54) at a second location to keep the cable attached to a second location the means for co-operating with the locking system comprises a sleeve (53) which is crimped onto a cable.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a locking system and sleeve as taught by Le Devhat'041 onto the system of Dupont et al. in order to fix the suspension cable with the connecting cable (Col. 7, Lns. 20-24).

Regarding claim 19, Dupont et al. is silent to having the attaching means comprising a number of hydraulic clips.

LeDevehat '041 discloses hydraulic clips (22) which attach a connection system to the cable, as shown in Figure 2.

It would have been obvious to one of ordinary skill in the art to employ clips as taught by Le Devehat'041 into the system of Dupont et al. in order to keep the system in close proximity to the cabling system, for connection alignment purposes.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dupont et al. (6,886,611) in view of Le Devehat (WO 02/22491, using U.S. Patent 7,147,022 as a translation).

Dupont et al. has disclosed all of the features of the claimed invention although is silent to having an emergency disconnection system for the cable, and that the constant tension means comprises a winder and the emergency disconnection system functions

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to release the cable from the winder when the cable is unwound beyond a predetermined maximum number of turns.

Le Devehat discloses a fluid handling system which teaches the use of an emergency disconnection system (31) for the cable, and a winder (35,38) and the emergency disconnection system functions to release the cable from the winder (Col.3, Lns.62-65) when the cable is unwound beyond a predetermined maximum number of turns.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ an emergency disconnection system and winder with system functions as taught by Le Devehat into the device of Dupont et al. in order to protect the fluid handling system from an overstressed condition.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dupont et al. (6,886,611) in view of Dumas (3,964,512).

Dupont et al. has disclosed all of the features of the claimed invention although is silent to a rotation device capable of ordering an angular movement of the connection system relative to the compass-style duct system.

Dumas discloses a pipe boom which teaches the use of a rotation device as shown in Figure 2 (14,16-19, Col. 2, Lns. 47 -57), capable of ordering an angular movement of the connection system relative to the compass-style duct system.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a rotation device as taught by Dumas into the combined

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system of Dupont et al. in order to control angular positions of the pipe sections (Col. 1, Lns. 62- Col. 2, Lns. 2).

Claims 14, 15, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dupont et al. (6,886,611).

Regarding claims 14 and 16, Dupont et al. has disclosed all of the features of the claimed invention although is silent to having the winch being positioned at the first location

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the winch positioned at the first location, since it has been held that rearranging of parts of an invention only requires routine skill in the art. (in re Jaspiske, 86 USPQ 70).

Regarding claim 15, the device of Dupont et al. is silent to having a pulley which is positioned at a second location. Official Notice is hereby taken that it is widely known and notoriously old in the material handling art to use pulleys situated at locations which otherwise require a higher force for movement of a device through the use of a cable or rope, whereby the use of the pulley reduces the force to move the device. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a pulley into the combined system of LeDevehat '491 and LeDevehat '041 in order to minimize the pulling forces between the tow devices being moved.

Regarding claim 17, Dupont et al. disclose that the first end of the cable is connected to a means (51) positioned at the first location for subjecting the cable to a constant tension.

Regarding claim 18, Dupont et al. disclose a means (52) for attaching the connection system to the cable.

Response to Arguments

Applicant's arguments with respect to claims 1, 3, 4, 7-19 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments with respect to the above rejection are not persuasive. Applicant argues that since the cable is wound around the pulley, the device does not frictionally engage the cable to move the connection system between the first and second locations. The examiner's position is that since the cable is wound around the pulley, this is considered to have a frictional engagement. The newly cited reference to Dupont provides "a cable" that is connected prior to product unloading and loading.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig Price whose telephone number is (571)272-2712. The examiner can normally be reached on 8AM - 4:30PM Mon-Fri, Increased flex time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on (571) 272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CP
/C. P./ Examiner, Art Unit 3753

28 August 2010

/John Rivell/
Primary Examiner, Art Unit 3753